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JUL 15 2009

OFFICE OF PETITIONS

In re Application of :
Gregory Paul Myers, et. al. :
Application No. 09/491,098 : DECISION ON PETITION
Filed: January 25, 2000 :
Attorney Docket No. STL 9029 :
:

This is a decision on the renewed petition under 37 CFR 1.181 (no fee), filed May 5, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

In response to the decision mailed on April 15, 2008, petitioner submits the present renewed petition.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Mikel R. Boeve appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

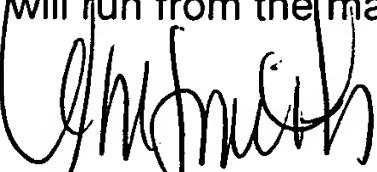
The showing required to establish the failure to receive the Office action, under 37 CFR 1.181, must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

Since the petition satisfies the above-stated requirements, the application was not abandoned in fact. Therefore, the petition is **GRANTED**.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2653 for re-mailing the Office action of November 17, 2005. The period for reply will run from the mailing date of the re-mailed Office action.



Andrea Smith
Petitions Examiner
Office of Petitions